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OTHER MATTERS

LETTER FROM THE CENTRAL ASIA, CAUCASUS AND MOLDOVA COUNTRIES ON THEIR STATUS UNDER THE CONVENTION

Note by the secretariat

1. At the second part of the sixth session of the Conference of the Parties (COP 6, part two), the heads of delegation of Armenia, Uzbekistan and Turkmenistan, on behalf of the Central Asia, Caucasus and Moldova countries (CAC&M) submitted a letter dated 27 July 2001 to the Executive Secretary (see annex below). The CAC&M countries consist of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan in the Asian Group and Armenia, Azerbaijan and the Republic of Moldova in the Group of Eastern European countries.

2. The issue raised in the letter concerns the definition of the term "developing countries" as used in the Convention, the Protocol and COP decisions typically to determine recipients of financial, technological and capacity building support. The CAC&M countries seek a clear definition of the term "developing countries" or a reference to relevant legal texts containing such definition.

3. The term "developing countries" is not defined by the Convention and does not encompass all the Parties not included in Annex I to the Convention (non-Annex I Parties), since some of these are not considered or do not consider themselves to be developing countries. The CAC&M countries, for example, consider themselves to be countries with economies in transition. A number of non-Annex I Parties other than the CAC&M countries are also affected by this issue.

4. This issue is raised on behalf of the CAC&M countries with respect to "The Bonn Agreements on the implementation of the Buenos Aires Plan of Action" (decision 5/CP.6) adopted at COP 6, part two and the following decisions forwarded to the seventh session of the Conference of the Parties (COP 7) for adoption:

(a) Capacity building in developing countries (non-Annex I Parties);

(b) Development and transfer of technologies (decision 4/CP.4 and 9/CP.5);

(c) Additional guidance to an operating entity of the financial mechanism

These decisions are contained in documents FCCC/CP/2001/5 and FCCC/CP/2001/5/Add.1.

5. A particular point arising with regard to the draft decision on the development and transfer of technologies is that its present formulation excludes non-Annex I Parties in Europe from membership of the Expert Group on the Transfer of Technology. (The decision provides "for three members from each of the regions of the Parties not included in Annex I, namely Africa, Asia and the Pacific and Latin America and the Caribbean.")

6. The CAC&M countries in their letter have made the following proposals:

(a) A clarification of the status of the CAC&M countries in the context of decisions on the Convention and the Protocol including those prepared by the resumed COP 6 for adoption at COP 7;

(b) If difficulties are encountered in providing such a clarification in a timely manner, a decision should be adopted by the COP at its eighth session clarifying their status;

(c) Pending formal resolution of the issue, the words "developing countries" should be substituted with "developing countries and other Parties not included in Annex I" throughout the text of the COP 6 draft decisions.

7. The COP may wish to consider the issues raised by the CAC&M countries and decide on any appropriate action.

Annex

Letter dated 27 July 2001 signed by Armenia, Turkmenistan and Uzbekistan on behalf of the Central Asia, Caucasus and Moldova countries to the Executive Secretary raising a question regarding their status under the Convention

Delegations of the CACM countries, while expressing their support to the political agreement reached at COP 6/bis, nevertheless would like once more to draw your attention to the issue of a great concern to us. Having conducted a careful review of the documents prepared for negotiations at COP 6, and having had two meetings with President Pronk at COP 6 in The Hague and at the COP 6/bis in Bonn, we are still unclear about the status of our countries with regards to certain decisions, suggested for adoption by COP6 bis.

The texts of some draft decisions of COP 6 refer to "developing countries", introducing ambiguity into the status of the above countries under those decisions. *Inter alia*, this concerns draft decisions FCCC/CP/2001/L.2 on Capacity Building, draft decision on Development and Transfer of Technology, draft decision FCCC/CP/2001/L.4 on Additional guidance to an operating entity of the financial mechanism, as well as the text of President Pronk of July 21, 2001, which was a basis for the political agreement at COP 6/bis.

We are convinced that decisions of COP 6 and COP 6 bis concerning developing countries should apply to our countries as well, taking into account our economic circumstances and the need for creating and expanding capacities to address climate change problem. We are unable to obtain a clear definition of the term "developing countries" or a reference to relevant texts containing such definition.

In this regard, we would request you, Mr. Executive Secretary, to provide us with an official legal clarification in regard to the status of our countries in the context of decisions of the UNFCCC and the Kyoto Protocol, including those prepared for adoption at the COP 6/bis.

If the secretariat encountered difficulties with providing such a clarification in a timely manner, we would consider suggesting a decision to be adopted by the Conference of the Parties at its eighth session clarifying the status of our countries.

Pending a formal resolution of the issue, we would suggest substituting throughout the texts of the COP 6 decisions the words "developing countries" with "developing countries and other Parties not included in Annex I".

Our delegations hope that this issue will be given a proper attention in the final documents of the Sixth Conference of the Parties, and note that without the appropriate resolution of this issue we would have difficulties with participation in the process and with implementation of the above decisions.

Armenia (A. Gabrielyan) (Signed)
Uzbekistan (V. Chub) (Signed)
Turkmenistan (A. Durdyev) (Signed)

cc: H.E. Mr. Jan Pronk
President of COP 6

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